

Notice of Allowability

Application No.

08/999,308

Examiner

George Eng

Applicant(s)

FUJINO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/6/2004.
2. ☒ The allowed claim(s) is/are 22-28 and 50-58.
3. ☒ The drawings filed on 29 December 1997 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/22/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GEORGE ENG
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. The information disclosure statement filed 10/22/2004 has been considered.
2. Claims 22-28 and 50-58 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to a communication system of establishing voice communication using a telephone during a data communications (i.e., the system includes a temporary line disconnection unit for disconnecting a line being user for a data communications without a disconnection notification to an upper layer application of a terminal and a server when the terminal establishes voice communications with a third party other than the server through the communication network during data communications and an automatic data fetch unit for fetching data of web sites from the server, which the data is not being accessed by the upper layer application and which is linked from a website that a user is viewing, for storing the obtained data during the data communications with the server, and for passing the stored data to the upper layer application during the voice communications with the third party when the user selects the link to the website corresponding to the stored data).

Applicant's claims 22, 50, 57 and 58 each recite, *inter alia*, a terminal communicating with a server through a communication network with a structure as defined in specification (pages 11-73) including a temporary line disconnection unit monitoring a content of received data from the server and from the terminal, and when a specified data is received, disconnecting a line being used for data communications without issuing any disconnection notifications to an

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upper layer application of the terminal when said terminal voice communicates with a third party other than the server through said communications network during the data communications with the server, and automatically connecting the server to the terminal when the voice communications terminate, means for fetching from the server data which is not being accessed by the upper layer application in the terminal and which is linked from a website that the user is viewing and storing the fetched data during the data communications, and means for passing the stored data to the upper layer application in the terminal during the voice communications with the third party when the user selects the link to the website corresponding to the stored data. Applicant's claims 22, 50, 57 and 58 comprise a particular combination of elements, which is neither taught nor suggested by the prior art.

Accordingly, Applicant's claims are allowed for these reasons and for the reasons recited by Applicant in Amendments filed 6/30/1999, 12/16/1999, 6/28/2000, 1/25/2001, 5/9/2001, 1/29/2002, 9/24/2002, 6/9/2003, 8/11/2003, 4/22/2004, 6/22/2004 and 12/6/2004.

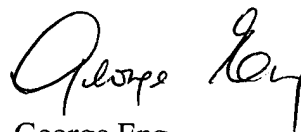
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
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